

ORDINANCE NO. 2023-02
AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE PHELAN PIÑON HILLS COMMUNITY SERVICES DISTRICT
ESTABLISHING GUIDELINES FOR THE
CONDUCT OF ITS PUBLIC MEETINGS AND ACTIVITIES

WHEREAS, the Board of Directors of the Phelan Piñon Hills Community Services District finds as follows:

A. The Phelan Piñon Hills Community Services District ("the District") is a community services district organized and operating pursuant to California Government Code Section 61000 et seq.

B. The District is governed by an elected Board of Directors ("the Board") whose meetings are subject to the requirements of the Ralph M. Brown Act, California Government Code Section 54950 et seq. ("the Brown Act") pursuant to California Government Code Section 61044.

C. The Board is authorized by Government Code Section 54953.7 to impose requirements upon itself which allow greater access to its meetings than prescribed by the Brown Act.

D. The purpose of this Ordinance is to ensure that the Board's deliberations are open to the public to the fullest extent permitted by law and its activities are performed in a manner that reflects a dedication to the highest standards of integrity and accountability so as to continue to earn the trust and confidence of the public served by the District.

THEREFORE, THE BOARD OF DIRECTORS of the Phelan Piñon Hills Community Services District does hereby adopt and ordain as follows:

Section 1. **COMPLIANCE WITH STATUTORY REQUIREMENTS.**

All meetings of the Board and all committees thereof shall be conducted in

compliance with all applicable requirements of the Brown Act.

Section 2. **ADDITIONAL REQUIREMENTS.**

2.1. **Regular Meetings.** Pursuant to Government Code Section 54954(a), all regular meetings of the Board shall be held at 5:00 p.m. on the second and fourth Wednesdays of each month at the Phelan Community Center located at 4128 Warbler Road in Phelan, California, and/or by teleconference in accordance with the requirements of the Brown Act, with the intent for meetings to last no more than three (3) hours, and to be adjourned by Board consensus.

2.2. **Special Meetings.** Special meetings of the Board shall be called and conducted in accordance with Government Code Section 54956 and other applicable provisions of the Brown Act. The Board shall not add any non-agendized item to the agenda of a special meeting.

2.3. **Agendas.**

2.3.1. **Descriptions.**

(a) *Open Session.* The agenda for all Board meetings and all committee meetings that are open to the public shall contain a brief, general description of each item of business to be transacted or discussed during the meeting and shall avoid the use of undefined abbreviations or acronyms not in common usage and terms whose meaning are not known to the general public. The description of an agenda item is adequate if it is sufficiently clear and specific to alert a person whose interests are affected by the item that he or she may have reason to attend the meeting or seek more information about the item.

(b) *Closed Session.* In addition to the brief general description of items to be discussed or acted upon in open and public session, the permissive

provisions of Government Code Section 54954.5 pertaining to closed session item descriptions are mandatory under this Ordinance with respect to closed sessions.

2.3.2. Public Comment. The agenda for all meetings of the Board shall include an item for Public Comment so as to provide an express opportunity for members of the public to directly address the Board in accordance with the requirements of Government Code Section 54954.3(a) prior to the Board's consideration of the merits of any item placed on the agenda. In the event that a motion is made to reorder the agenda, or add an item to the agenda, or otherwise take any Board action prior to the Public Comment portion of the agenda, the President of the Board shall ask any members of the public in attendance at the meeting whether they wish to comment on the motion that is pending before the Board. During the Board's consideration of items discussed after the Public Comment portion of the agenda, the President of the Board should exercise best efforts to recognize any member of the public who wishes to speak on that issue prior to any action thereon that is taken by the Board. While testimony and input received from the public during Board meetings is a valuable part of the Board's decision-making process, the Board President is nevertheless authorized pursuant to Government Code Section 54954.3(b) to limit the total amount of time allocated for public testimony on particular issues to a reasonable length of time, to limit public testimony to five (5) minutes or less for each individual speaker (although individual speakers will be permitted on a reasonable basis to transfer their unused allotment of time to another speaker), and to prevent a person who is unduly repetitive from continuing to speak.

2.3.5. Background Material. Staff material, consisting of agendas, staff reports, and other material prepared and forwarded by staff which provide background

information and recommendations, regarding agenda items, when distributed to all or to a majority of the members of the Board in connection with a matter which is subject to discussion or consideration in open session at a public meeting, shall be made readily available to the public on the District's website, at the District's offices, and upon request. If a member of the public requests that a copy of such material be delivered by e-mail, District staff shall e-mail a copy of, or website link to, the documents as requested unless District staff determines that delivery by e-mail or by other electronic means is technologically infeasible, in which case District staff must send the documents by mail in accordance with the mailing requirements of the Brown Act.

2.4. **Posting.** The agendas of all Board meetings and all committee meetings that are open to the public shall be posted in the following locations: (1) an exterior window or bulletin board situated outside the location of the Piñon Hills Community Center which is accessible twenty-four (24) hours a day; (2) an exterior window or bulletin board situated outside the location of the Phelan Community Center which is accessible twenty-four (24) hours a day; (3) an exterior window or bulletin board situated outside the location of the District office which is accessible twenty-four (24) hours a day; and (4) the District website. The District will also post the full agenda packet for all such meetings on the District website and will provide five (5) copies thereof at the physical location of all Board meetings in which the public has in-person access.

2.5. **Remote Participation.** A Board member wishing to participate in a meeting from a remote location pursuant to Government Code Sections 54953(b) or 54953(f) must notify District staff at the earliest opportunity as soon as possible so that the agenda for the meeting can be prepared and/or amended accordingly and that all other necessary accommodations can be arranged.

2.6. **Cancellation of Meetings.** Regular meetings of the Board may be cancelled by the President of the Board, after consultation with the District's General Manager, upon at least 72 hours' notice given in accordance with the applicable requirements of the Brown Act and Section 2.4 above.

Section 3. **ANNUAL REVIEW.**

Each year the Board shall review this Ordinance to determine its effectiveness and the necessity for its continued operation. The District's General Manager shall report to the Board on the operation of this Ordinance, and make any recommendations deemed appropriate, including proposals to amend the Ordinance. Upon conclusion of its review, the Board may take any action it deems appropriate concerning this Ordinance. Nothing herein shall preclude the Board from taking action on the Ordinance at times other than upon conclusion of the annual review.

Section 4. **SEVERABILITY.**

If any provision of this Ordinance, or the application thereof to any person or circumstances, is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 5. **EFFECTIVE DATE.**

The provisions of this Ordinance shall supersede Ordinance No. 2022-01 adopted by the Board on January 19, 2022, and shall take effect immediately upon adoption.

Adopted this 18th day of January, 2023.

AYES: Hays, Kujawa, Snyder

NOES: Hoffman, Roberts

ABSTAIN:

ABSENT:



President, Board of Directors

ATTEST:



Secretary, Board of Directors